

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

JOHNNY LYNN WOODEN,)	
)	
Plaintiff,)	
v.)	No. 1:04-CV-234
)	
JO ANNE B. BARNHART,)	Judge Curtis L. Collier
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

United States Magistrate Judge William B. Mitchell Carter filed his report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b) (Court File No. 28). Neither party filed objections within the given ten days.

After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. The Court thus **ACCEPTS** and **ADOPTS** the magistrate judge's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b).

Accordingly, the Court **ORDERS**:

(1) Plaintiff's motion for judgment on the pleadings (Court File No. 15) is **GRANTED** to the extent that:

- (a) the Commissioner's decision denying benefits is **REVERSED**; and
- (b) Plaintiff's case is **REMANDED** for further administrative proceedings pursuant to Sentence Four of 42 U.S.C. § 405(g) in order that the evidence presented in this case can be properly evaluated, and the Commissioner **SHALL ALLOW** the Plaintiff to supplement the record with additional evidence; and

(2) Defendant's motion for summary judgment (Court File No. 22) is **DENIED**.

ENTER:

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